



The State of New Hampshire  
*Department of Environmental Services*



Michael P. Nolin  
Commissioner  
August 5, 2005

**CERTIFIED MAIL**  
**#7000 1670 0001 2907 8941**  
**RETURN RECEIPT REQUESTED**

**LETTER OF DEFICIENCY**  
**No. WMD 05-020**

Alvin J. Coleman & Son, Inc.  
9 NH Route 113  
Conway, New Hampshire 03818

Attn: Mr. Alvin J. Coleman, President

**Re: Alvin J. Coleman**  
**Conway NH**  
**EPA ID # NHD982750069**

Dear Mr. Coleman:

On April 27, 2005, the Department of Environmental Services, Waste Management Division ("DES") conducted an inspection of Alvin J. Coleman & Son, Inc. ("Coleman"). The purpose of the inspection was to determine Coleman's compliance status relative to RSA Ch. 147-A and the New Hampshire Hazardous Waste Rules, Env-Wm 100-1100.

As a result of the inspection and review of the information provided to DES, the following deficiencies were documented:

1. Env-Wm 502.01 - Hazardous Waste Determination

At the time of the inspection, no formal hazardous waste determination had been conducted on the "Parts Washer Solvent" and the "Waste Fluorescent Lamps."

Env-Wm 502.01 requires that all generators of waste determine if their waste is a hazardous waste. Waste determined to be hazardous must be handled pursuant to the requirements of the Hazardous Waste Rules.

DES requests that Coleman conduct hazardous waste determinations for the following:

- A. "Parts Washer Solvent": The laboratory testing should include, at a minimum, Toxicity Characteristic Leaching Procedure for RCRA metals under Env-Wm 403.06, and ignitability under Env-Wm 403.03. Additional testing may be needed depending upon the materials (e.g., brake cleaner) which may come into contact with the "Parts Washer Solvent." Coleman will need to provide the results of the

hazardous waste determination, along with any other supporting data, such as chemical analyses, to DES.

- B. "Waste Fluorescent Lamps": The laboratory testing should include, at a minimum, Toxicity Characteristic Leaching Procedure for RCRA metals under Env-Wm 403.06. Coleman will need to provide the results of the hazardous waste determinations, along with any other supporting data, such as chemical analyses, to DES.

Alternatively Coleman may elect to manage the "Waste Fluorescent Lamps" as "universal waste" in accordance with Env-Wm 1100. The DES Environmental Fact Sheet #WMD-HW-7 "Universal Waste Lamps: Management Requirements for Handlers and Transporters," and a DES "Fluorescent Lamp and Ballast Recycling Facility" list are enclosed.

Coleman may declare any of the above-mentioned wastes to be hazardous based on knowledge of the wastes, and forego the expense of the testing. In the event wastes are determined to be hazardous, Coleman must manage the wastes in accordance with the State of New Hampshire Hazardous Waste Rules. This includes, but is not limited to, proper storage of marked, closed, containers on impervious surfaces, assigning appropriate hazardous waste number(s) to the waste, as well as delivery of waste for disposal to a facility authorized to handle the hazardous waste. Alternatively, if the wastes are determined to be non-hazardous, Coleman may dispose of them as a solid waste.

2. Env-Wm 504.02(d) and Env-Wm 504.02(b)(7) - Generator Notification

At the time of inspection, according to DES notification records, Coleman had notified as a Full Quantity Generator (>1000 kilograms/ month). However, a review of waste disposal records indicates that Coleman's generator status may be that of a Full Quantity Generator (100 - 1000 kilograms/ month).

Env-Wm 504.02(d) requires that a generator shall notify DES verbally or in writing of any changes to the information required in Env-Wm 504.02(b), including generator status, within 30 days of the effective date of the change.

DES requests that Coleman review its facility hazardous waste generation rates in order to determine its proper generator status; and if necessary, complete and submit a subsequent notification form that accurately reflects the change in generator status.

3. Env-Wm 509.02(a)(2) – Personnel Training

A review of Coleman's personnel training program revealed the following deficiencies:

- (a) The Emergency Coordinators identified below had not taken part in annual hazardous waste training reviews for years noted:
  - 1. Clifford Graves – 2001, 2002, 2003
  - 2. Jim Drouin – 2001, 2002, 2003, 2004
- (b) The employees who signed manifests, had not taken part in annual hazardous waste training for years noted:
  - 1. Chris Noyes- 2005
  - 2. Russel Beaudoin- 2004
  - 3. Ozzie Sheaff – 2003
  - 4. Curtis Coleman – 2002
  - 5. James Everson - 2002
- (c) Coleman's facility training records failed to document a training program which includes a list of hazardous waste job titles, job descriptions, descriptions of introductory and continuing training to be provided for each position, and names of employees filling each position.

Env-Wm 509.02(a)(2), which references 40 CFR 265.16, Personnel Training, requires full quantity generators to maintain a personnel training program. This includes, but is not limited to, ensuring that initial training and annual reviews are conducted for emergency coordinators. Env-Wm 509.02(a)(2) also requires full quantity generators to maintain at the facility, specific documents and records related to personnel training.

DES requests that Coleman conduct and document hazardous waste training and annual updates for the Emergency Coordinators and employees responsible for hazardous waste management. DES also requests that Coleman maintain, as part of the personnel training program, documents of hazardous waste job titles, job descriptions, and names of employees filling each position and correct any deficiencies as identified in the enclosed Full Quantity Generator Module. Lastly, DES requests that Coleman submit a copy of this personnel training program to DES.

4. Env-Wm 509.02(a)(5) – Contingency Plan

At the time of the inspection, Coleman's contingency plan was confirmed to be incomplete. Specific deficiencies are listed in the attached Contingency Plan Module.

Env-Wm 509.02(a)(5), which references 40 CFR 265, Subpart D, requires full quantity generators to maintain a complete contingency plan at the site.

DES requests that Coleman revise and update its contingency plan to correct any deficiencies as identified in the enclosed Contingency Plan Module and submit a copy of

the updated Contingency Plan to DES. In addition, please provide documentation that Coleman has made arrangements with the local authorities and has submitted a copy of the contingency plan to them.

5. Env-Wm 512.01(a)(1) – Recordkeeping - Manifest Copies

At the time of the Inspection, Coleman did not have on file copies of fifteen (15) hazardous waste manifests certified by the designated facility, including:

- (a) Manifest No. CTF1074733, dated June 3, 2002;
- (b) Manifest No. CTF1071961, dated July 10, 2002;
- (c) Manifest No. CTF1009087, dated October 4, 2002;
- (d) Manifest No. CTF1073136, dated November 8, 2002;
- (e) Manifest No. CTF1032182, dated December 30, 2002;
- (f) Manifest No. CTF1145642, dated February 14, 2003;
- (g) Manifest No. CTF1145285, dated April 18, 2003;
- (h) Manifest No. CTF1091868, dated June 19, 2003;
- (i) Manifest No. CTF1135557, dated August 5, 2003;
- (j) Manifest No. CFT1137042, dated September 26, 2003;
- (k) Manifest No. CTF1091332, dated December 4, 2003;
- (l) Manifest No. CTF1062427, dated January 23, 2004;
- (m) Manifest No. CTF1060153, dated March 12, 2004;
- (n) Manifest No. CTF1069309, dated May 7, 2004;
- (o) Manifest No. CTF1164910, dated February 11, 2005.

Env-Wm 512.01(a)(1) requires that the generator keep all manifest copies for three (3) years from the date of signature by the generator.

DES requests that Coleman obtain copies of the fifteen (15) hazardous waste manifests listed above, and properly retain these copies and copies of future shipments of hazardous waste.

*In the May 5, 2005 submittal from Clifford Graves, Hazardous Waste Coordinator, copies of the following twelve (12) manifests certified by the designated facility, were provided to DES.*

- (a) Manifest No. CTF1074733, dated June 3, 2002;*
- (b) Manifest No. CTF1071961, dated July 10, 2002;*
- (c) Manifest No. CTF1009087, dated October 4, 2002;*
- (d) Manifest No. CTF1073136, dated November 8, 2002;*
- (e) Manifest No. CTF1145642, dated February 14, 2003;*
- (f) Manifest No. CTF1145285, dated April 18, 2003;*
- (g) Manifest No. CTF1091868, dated June 19, 2003;*
- (h) Manifest No. CTF1135557, dated August 5, 2003;*
- (i) Manifest No. CTF1091332, dated December 4, 2003;*
- (j) Manifest No. CTF1060153, dated March 12, 2004;*
- (k) Manifest No. CTF1069309, dated May 7, 2004;*
- (l) Manifest No. CTF1164910, dated February 11, 2005.*

6. Env-Wm 807.06(b)(4) - Standards for Generators of Used Oil Being Recycled

At the time of the inspection two (2) 55-gallon containers and one (1) 275-gallon tank located in the First Garage; two (2) 275-gallon tanks located in the Second Garage; and one (1) 200-gallon tank and one (1) 3000-gallon tank in the Outdoor Storage Area, managed as used oil for recycle, were not labeled with the words "Used Oil for Recycle."

Env-Wm 807.06(b)(4) requires that generators of used oil destined for recycling label their containers and tanks with the words "Used Oil for Recycle" at all times during accumulation and storage.

DES requests that Coleman label all containers and tanks of used oil destined for recycling with the words "Used Oil for Recycle" at all times during accumulation and storage.

In addition, Env-Wm 1402, "Control of Aboveground Petroleum Storage Facilities" (available at <http://www.des.state.nh.us/orcb/doclist/1402.pdf>), requires above ground oil storage facilities to register the tank system with DES if they have combined oil storage capacity of more than 1,320 gallons. At the time of the inspection, Coleman had an oil storage capacity in the on-site tanks in excess of this threshold. Therefore, this matter has been referred to the Above Ground Storage Tank (AST) Section of DES's Waste Management Division. DES expects Coleman to pursue the issue of tank registration, by contacting Michael Juranty of the AST Section at 271-6058, within thirty (30) days of receipt of this letter. Enclosed please find the DES Environmental Fact Sheet WMD-REM-5 "Registration of Aboveground Petroleum Storage Tanks (ASTs)", as well as the Environmental Protection Agency Fact Sheet "The New SPCC Rule" for your reference.

*On May 5, 2005, Clifford Graves submitted documentation that the one (1) 275-gallon tank located in the First Garage, has been labeled "Used Oil for Recycle."*

7. Env-Wm 807.06(b)(5) – Standards for Generators of Used Oil Being Recycled

At the time of the inspection, two (2) 55-gallon containers and one (1) 25-gallon container of used oil located in the First Garage, destined for recycling, were not closed.

Env-Wm 807.06(b)(5) requires that used oil be placed in containers or tanks that remain closed at all times, except to add or remove wastes.

DES requests that Coleman keep all containers and tanks closed at all times except to add or remove used oil. Safety funnels that thread into the bung and have closeable lids that seal are acceptable for this purpose.

8. Env-Wm 807.06(b)(7) - Standards For Generators Of Used Oil Being Recycled

At the time of inspection, Coleman personnel confirmed that a used oil determination had not been conducted.

Env-Wm 807.06(b)(7) requires generators to conduct an initial used oil determination by analyzing it for all of the parameters specified in Env-Wm 807.02 and Env-Wm 807.03 (exclusive of PCBs if no source of PCBs is present).

DES requests that Coleman conduct an initial used oil determination for the parameters outlined in Env-Wm 807.02 and Env-Wm 807.03. These parameters include arsenic, cadmium, chromium, lead, flash point, and total halogens. Coleman should provide the

results of the used oil determination to DES. Enclosed please find a summary of the used oil regulations and a list of analytical laboratories that perform the required testing.

9. Env-Wm 1102.03(a)(6) and Env-Wm 1114.04 - Universal Waste Management

At the time of the inspection, one (1) 200-gallon tank of universal waste antifreeze was not marked with the words "Universal Waste – Antifreeze", "Waste Antifreeze", or "Used Antifreeze."

Env-Wm 1102.03(a)(6) which references Env-Wm 1114.04 requires universal waste handlers to ensure all containers(s) and tank(s) holding universal waste antifreeze be clearly labeled or marked with any of the following: "Universal Waste – Antifreeze", "Waste Antifreeze", or "Used Antifreeze."

DES requests that Coleman clearly label or mark the tank holding universal waste antifreeze with any of the following: "Universal Waste – Antifreeze", "Waste Antifreeze", or "Used Antifreeze." Also, please find the enclosed DES vendor list "Antifreeze Recycling Companies" to aid you in recycling your waste.

10. Env-Wm 1102.03(c)(1) – Universal Waste Management

At the time of the inspection, one (1) 200-gallon tank of universal waste antifreeze was not closed.

Env-Wm 1102.03(c) requires universal waste container(s) and tank(s) to be closed, except when universal waste is being added to or removed from the container or tank.

DES requests that Coleman ensure that the universal waste antifreeze tank is closed, except when universal waste is being added to or removed from the tank.

11. RSA 147-A: 5 – Terms and Conditions of Operator Permits- Certified Hazardous Waste Coordinator Program

At the time of the inspection Coleman did not have on staff a certified hazardous waste coordinator. Clifford Graves had attended a Basic Hazardous Waste Coordinator Training on January 28, 2004 and again on June 30, 2004, but did not pass the required certification exam. The next Basic training is October 5, 2005.

RSA 147-A:5, Paragraph III(a) requires that each hazardous waste generator that generates more than 220 pounds of hazardous waste per month shall have on staff at the facility where the hazardous waste is generated a hazardous waste coordinator certified by the department.

DES requests that Coleman have on staff at the facility where the hazardous waste is generated a hazardous waste coordinator certified by the department. The certified hazardous waste coordinator shall be responsible for ensuring that the generator is aware of and in compliance with applicable requirements relating to hazardous waste management, including but not limited to storage, transportation, and disposal. Certification shall not be transferable. Please be advised if Coleman becomes an SQG this requirement does not apply.

DES believes the remaining deficiencies can be corrected and a report describing the corrective measures taken by Coleman can be submitted within thirty (30) days of receipt of this letter. Supporting documentation that describes the measures taken to achieve compliance should be included with the report.

In the event compliance is not achieved within this period, DES may take further action against Coleman, including issuing an order requiring that deficiencies be corrected, initiating an administrative fine proceeding, and/or referring the matter to the New Hampshire Department of Justice for imposition of civil penalties. In addition, DES personnel may reinspect your facility at a later date to determine whether the facility has come into, and is maintaining, full compliance with the applicable rules. Fines may be pursued for any or all violations observed during this or subsequent inspections of the facility.

The written report as requested above should be addressed as follows:

Linda Birmingham, Waste Management Specialist IV  
DES/WMD  
P.O. Box 95  
Concord, New Hampshire 03302-0095

Enclosed you will find a copy of the completed Hazardous Waste Generator Inspection Report which documents the compliance status of your facility at the time of the inspection. This checklist may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.

The State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at <http://www.des.state.nh.us/hwcs/>, or by contacting the Public Information Center at (603) 271-2975.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that the DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the



meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline which is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff are available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets of specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policy or regulatory interpretation letters that may benefit your operation, and networks with other state or federal agencies to answer your questions on a national level. The Hotline is available Monday through Friday, 8:00 AM to 4:00 PM at 271-2942 or toll free at (1-866) HAZ-WAST (in-state only).

Should you have any questions regarding this letter, please contact the lead inspector, Linda Birmingham or Tod G. Leedberg, RCRA Compliance Supervisor at 271-2942.

Sincerely,



---

John J. Duclos, Administrator  
Hazardous Waste Compliance Bureau  
Waste Management Division

cc: DB/RCRA/LOD/Archives  
Anthony P. Giunta, P.G., Director, Waste Management Division  
Gretchen Hamel Esq., Administrator, DES Legal Unit  
Paul L. Heirtzler, P.E., Esq., Administrator, Waste Management Programs, WMD  
Clifford Graves, A. J. Coleman

E-mail: JJD/SD

Enclosure: Inspection Modules  
Fact Sheet WMD-REM "Registration of Aboveground Petroleum Storage Tanks"  
Environmental Protection Agency Fact Sheet "The New SPCC Rule"  
Vendor List "Antifreeze Recycling Companies"  
DES "Fluorescent Lamp and Ballast Recycling Facility" list  
Fact Sheet #WMD-HW-7 "Universal Waste Lamps: Management Requirements for Handlers and Transporters,"